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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/562,654   | 12/27/2005  | Chitoshi Mochizuki   | P/2850-125             | 6279             |
| 2352   | 7590        | 06/15/2006           |                        |                  |
| OSTROLENK FABER GERB & SOFFEN<br>1180 AVENUE OF THE AMERICAS<br>NEW YORK, NY 100368403 |             |                      |                        |                  |
|  |             |                      | EXAMINER               |                  |
|  |             |                      | EDMONDSON, LYNNE RENEE |                  |
|  |             |                      | ART UNIT               | PAPER NUMBER     |
|  |             |                      | 1725                   |                  |

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/562,654

Applicant(s)

MOCHIZUKI ET AL

Examiner

Lynne Edmondson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/27/05, 5/22/06</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka (JPN 06-218580 A, IDS).

Tanaka teaches a brazing sheet produced by rolling a powder of a brazing filler mixture by roll compaction (abstract and figures 1 and 2). It is noted that the method of forming the sheet does not further limit the structure, composition or function of said sheet.

3. Claims 1-4, 7, 8, 11-14, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Doko et al. (USPN 5837388).

Doko teaches a brazing sheet produced by rolling a powder of a brazing filler mixture which may contain binder by roll compaction (col 2 lines 28-38 and col 6 lines 47-56). The sheet comprises Al with about 7-12% Si (col 4 lines 14-32). It is noted that

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the method of forming the sheet does not further limit the structure, composition or function of said sheet.

4. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al. (USPN 4923100).

Nakamura teaches a brazing sheet produced by rolling a brazing filler mixture (figure 9). The sheet comprises Al, Cu or Ni (col 6 line 55 – col 7 line 26). It is noted that the method of forming the sheet does not further limit the structure, composition or function of said sheet.

5. Claims 1-9 and 11-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Dockus et al. (US 2006/0027625 A1).

Dockus teaches a brazing sheet produced by rolling a powder of a brazing filler mixture which may contain binder by roll compaction (paragraphs 65-67). The sheet comprises Al with about 11% Si (paragraph 21), Cu or Ni (paragraph 57). It is noted that the method of forming the sheet does not further limit the structure, composition or function of said sheet.

6. Claims 1-5, 9-14, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishio et al. (US 2003/0085258 A1).

Ishio teaches a brazing sheet produced by rolling a powder of a brazing filler mixture which may contain binder by roll compaction (paragraphs 32). The sheet

comprises Cu with up to 7% P (Table 1). It is noted that the method of forming the sheet does not further limit the structure, composition or function of said sheet.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shabtay (USPN 6997371 B2, Cu brazing sheet), Wittebrood (USPN 7041385 B2, Al-Si brazing sheet), DeCristofaro et al. (USPN 4302515, Ni brazing sheet) and Dockus et al. (USPN 7000823 B2, brazing sheet).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Edmondson whose telephone number is (571) 272-1172. The examiner can normally be reached on Monday through Thursday from 6:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lynne Edmondson  
Primary Examiner  
Art Unit 1725

*L/E*  
*6/9/06*

LRE